

104TH CONGRESS
2D SESSION

H. R. 4303

To authorize appropriations to reimburse States for costs of educating certain illegal alien students.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1996

Ms. HARMAN (for herself and Mr. CAMPBELL) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

A BILL

To authorize appropriations to reimburse States for costs of educating certain illegal alien students.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Equity in Public Edu-
5 cation Act of 1996”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

8 (1) It is the responsibility of the Federal Gov-
9 ernment to prevent illegal immigration by enforcing
10 existing laws and enacting new laws and policies.

1 (2) The Federal Government has, to date, failed
2 to carry out this responsibility, resulting in a large
3 and increasing number of illegal immigrants residing
4 within the borders of the United States.

5 (3) Under current law, the States are required
6 to provide certain public benefits to their residents,
7 including education benefits for all children residing
8 within their jurisdictions, regardless of immigration
9 status.

10 (4) The costs of educating illegal aliens are
11 therefore borne primarily by the States.

12 (5) The citizens of States that have a dis-
13 proportionate number of illegal immigrants therefore
14 have borne a disproportionate share of such edu-
15 cational costs, which result from the failures of the
16 Federal Government.

17 (6) In the interest of equity, the Federal Gov-
18 ernment should reimburse the States for such edu-
19 cational costs.

20 **SEC. 3. REIMBURSEMENT OF STATES FOR CERTAIN EDU-**
21 **CATIONAL COSTS FOR ILLEGAL ALIEN STU-**
22 **DENTS.**

23 (a) GRANTS TO STATES.—Subject to the availability
24 of appropriations and the succeeding provisions of this
25 section, from the amount appropriated under subsection

1 (f), the Secretary of Education shall provide for payment
2 to each eligible State (as defined in subsection (b)) for
3 reimbursable costs (as defined in subsection (c)).

4 (b) ELIGIBLE STATES.—In order for a State to be
5 eligible for payment under this section, the State—

6 (1) shall be a State for which the Secretary of
7 Commerce has made a determination with respect to
8 any fiscal year under subsection (e); and

9 (2) shall provide the Secretary of Education
10 with assurances that—

11 (A) the State will cooperate with the Sec-
12 retary of Commerce in carrying out such Sec-
13 retary’s duties under this Act; and

14 (B) such payments shall be used only for
15 the purpose of reimbursing local educational
16 agencies for reimbursable costs.

17 (c) REIMBURSABLE COSTS DEFINED.—For purposes
18 of this Act, the term “reimbursable costs” means, with
19 respect to a State, the incremental increase in costs in-
20 curred by local educational agencies in the State in provid-
21 ing a free public education (as mandated by Federal law)
22 to eligible illegal alien students (as defined in subsection
23 (d)(1)), as determined by the Secretary of Commerce
24 under subsection (e).

1 (d) ELIGIBLE ILLEGAL ALIEN STUDENTS.—For pur-
2 poses of this Act, the term “eligible illegal alien student”
3 means an alien who is not lawfully present in the United
4 States and is enrolled in a public elementary or secondary
5 school of a local educational agency in a State as of the
6 date of a determination made by the Secretary of Com-
7 merce under subsection (e)(2).

8 (e) AMOUNT OF PAYMENT.—

9 (1) IN GENERAL.—The amount of payment to
10 an eligible State for a fiscal year under this section
11 is the product of—

12 (A) the average number last determined
13 under paragraph (3)(A) for the State; and

14 (B) the average incremental increase in ex-
15 penditures last determined under paragraph
16 (3)(B) for the State.

17 (2) COMMENCEMENT OF DETERMINATIONS.—

18 (A) FIRST GROUP OF STATES.—Before the
19 beginning of fiscal year 1998, and before the
20 beginning of every third fiscal year thereafter,
21 the Secretary of Commerce shall make a deter-
22 mination under paragraph (3) for the States of
23 California, Texas, and Florida.

24 (B) SECOND AND THIRD GROUPS OF
25 STATES.—Before the beginning of fiscal year

1 1999, and before the beginning of every third
2 fiscal year thereafter, the Secretary of Com-
3 merce shall make a determination under para-
4 graph (3) for at least $\frac{1}{2}$ of the States that are
5 not described in subparagraph (A). Before the
6 beginning of fiscal year 2000, and before the
7 beginning of every third fiscal year thereafter,
8 the Secretary of Commerce shall make a deter-
9 mination under paragraph (3) for each of the
10 remaining States. To the maximum extent pos-
11 sible, the Secretary shall make an equal number
12 of determinations under this subparagraph be-
13 fore fiscal year 1999 and before fiscal year
14 2000.

15 (3) DETERMINATIONS.—Pursuant to paragraph
16 (2), the Secretary of Commerce shall determine for
17 a State before the beginning of a fiscal year—

18 (A) the average number of eligible illegal
19 alien students in the State for any school day
20 during the school year ending during the fiscal
21 year; and

22 (B) the average incremental increase in
23 per pupil expenditures for public education ben-
24 efits in the State for such school year that is
25 determined to be attributable to the enrollment

1 of eligible illegal alien students in public ele-
2 mentary and secondary schools, as determined
3 based on statistics of the National Center for
4 Education Statistics relating to expenditure per
5 pupil in average daily attendance in public ele-
6 mentary and secondary schools.

7 (f) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated for each fiscal year (be-
9 ginning with fiscal year 1998) such sums as may be nec-
10 essary to make grants under this section.

11 (g) STATE DEFINED.—In this Act, the term “State”
12 has the meaning given such term in section 101(a)(36)
13 of the Immigration and Nationality Act.

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